

**EXPERT REPORT OF DETECTIVE MARK A. BELKNAP PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 26(a)(2)(B)**

The Estate of Marcus Sims et al v. Wingate Management Company, LLC
Civil Action File No. 1:22--CCV-01696-VMCC
United States Northern District of Georgia (Atlanta Division)

Background:

I, Detective Mark A. Belknap, am a duly sworn police officer with the City of Atlanta Police Department. I have been so employed for the past 19 years. I am currently assigned to the Criminal Investigation Division's Gangs Unit, specializing in Gang Intelligence. For the past ten years, I have been assigned to the United States Marshals Service Southeast Regional Fugitive Task Force, as a member of their Counter Gang Unit. Additionally, I am assigned to the Georgia Bureau of Investigation to serve on their statewide Gang Task Force.

I am qualified to provide expert testimony regarding Criminal Street Gangs and have testified as an expert witness in 30 gang-related criminal trials. These cases, and many others that I have investigated, involve underlying offenses including Murder, Armed Robbery, Aggravated Assault, Participation in Criminal Street Gang Activity, and other similar and related offenses.

In 2001, I received a Bachelor of Arts Degree in Sociology from Emory University in Atlanta, GA. My studies included a course taught by Dr. Robert Agnew, former President of the American Society of Criminology.

I also serve on the board of directors for the Georgia Gang Investigators Association. I currently serve as the Vice President for the association; I previously served as Regional Vice President of the Metro Atlanta Region and Communications Director. I have served on the board of directors for approximately seven years.

I have completed over 2,500 hours of law enforcement training, including hundreds of hours of specialized investigative training. My specialized training includes the Atlanta Police Department's two-week Basic Criminal Investigations course, courses on Interviews and Interrogations, Search Warrants and Affidavits, Advanced Undercover Operations, and Analytical Investigative Techniques; I have also received hundreds of hours of specialized training in investigations of criminal street gangs, from street-level strategic operations to advanced prosecution techniques.

For additional background, please see my attached Curriculum Vitae.

Materials Reviewed:

- Pleadings (United States District Court)
- Pleadings (State Court of Gwinnett County)
- Plaintiffs' Discovery Responses and Documents

- Defendant Document Productions
- Atlanta Police Department incident report #201820072
- Atlanta Police Department incident report #201821451
- Atlanta Police Department incident report #150102106
- Atlanta Police Department incident report #201461398
- Atlanta Police Department incident report #201840608
- Atlanta Police Department incident report #201801432
- Atlanta Police Department incident report #200692000
- Deposition of Kenneth Long w/ exhibits
- Deposition of Keiontay Davis w/ exhibits
- Deposition of DeMario Newton w/ exhibits
- Deposition of Ricky Phillips w/ exhibits
- Deposition of Demetrius McNeal
- Deposition of Cynthia Bianco
- Deposition of Tequilla Phillips
- Deposition of Santeba Seaborn
- Deposition of Tashika Boyd
- Deposition of Antoinnette Mitchell
- Deposition of Marcus Chatman
- Deposition of Cathy Chatman
- Deposition of Jazzmine Mangham
- Deposition of Wesley Journey
- Deposition of Kelly Young
- Surveillance video of subject incident
- Surveillance video from Atlanta Police Department incident #200692000
- Official Code of Georgia Annotated, Title 16, Chapter 15 “Street Gang Terrorism and Prevention Act”
- Atlanta Police Department Standard Operating Procedures, APD.SOP.3067
- Social media account of Marcus Sims: Instagram account @1bigdawgmarc
- Social media accounts of Kenneth Long: Instagram accounts @kennycat60; @kennycat____
- Social media account of Demario Newton: Facebook account “Parkway Mario”
- Social media account of Ricky Phillips: Instagram account @rickyrozay_1
- Published article entitled “Violent Crime Typology and Continuum” by Christine Army and Karim Vellani, <https://www.threatanalysis.com/dl/Army-Vellani-2021.pdf>, 2021
- Published study entitled “Gang Membership and Violent Victimization” by Dana Peterson, Terrance Taylor, and Finn-aage Esbensen, *Justice Quarterly* Volume 21 No. 4, December 2004

Opinion: The shooting of Marcus Sims, Keiontay Davis, Demario Newton, Kenneth Long, and Ricky Phillips was a targeted shooting.

This opinion is based in part on a review of the listed resources, which I have analyzed in a manner consistent with my knowledge, training, and experience regarding best practices in criminal investigations. Several of my observations from this analysis follow.

1. The physical evidence from the scene indicates that this was likely a targeted shooting.

On June 30, 2020, Mr. Marcus Sims was found deceased from apparent gunshot wounds at 639 Parkway Dr. NE, Atlanta, Georgia. Mr. Keiontay Davis, Mr. Demario Newton, Mr. Kenneth Long, and Mr. Ricky Phillips were also shot and injured during this incident. All five of the shooting victims were in the courtyard of an apartment building at the location. The incident was captured in part by surveillance cameras in the area. The surveillance video showed two vehicles, believed to be a Dodge Charger and a Mazda 6, to be the suspect vehicles. These two cars passed by the incident location at least twice within a few minutes; on the final pass, occupants of one or both vehicles began shooting from the vehicles toward persons standing at or near 639 Parkway Dr. NE. Shell casings recovered from the scene indicated that a person or persons standing near the apartments returned fire, shooting toward the suspect vehicles.

Mr. Sims was found deceased with five gunshot wounds. Four other males were shot and injured, and were identified as Demario Newton, Kenneth Long, Ricky Phillips, and Keiontay Davis. Mr. Davis was determined to have returned fire toward the suspects. The investigation did not determine if any of the occupants of the Dodge Charger or Mazda 6 were struck by return gunfire. A handgun was also recovered from the scene. The Mazda 6 was determined to have been reported stolen from the city of Smyrna; it was recovered later that day, having been intentionally set on fire and heavily burned.

Based on this evidence, Homicide Detective Agan investigated this case as a targeted homicide. I agree with his assessment, and it is my opinion that the evidence from the scene makes it likely that this was a targeted homicide.

2. Other prior and later criminal investigations support the theories of motive in this case, specifically that this was likely a targeted shooting.

When investigating incidents of dispute-related or retaliatory violence, incidents that precede or follow are often interconnected and can help form, confirm, or refute theories in a particular case. In this case, the shooting of Messrs. Sims, Davis, Newton, Long, and Phillips was preceded and followed by several incidents believed by law enforcement to be related. These other incidents support theories generated by previous investigations, and they support theories generated by information gathered in this and other cases. The below incidents are part of individual and collective investigations conducted by the Atlanta Police Department, Georgia Bureau of Investigation, Fulton County District Attorney's Office, and other partner law enforcement agencies. This overview is intended to provide context for this report, and it is not intended to be a complete recitation of all incidents and information known or suspected by law enforcement to be related to the subject incident.

- On January 10, 2015, Mr. Donovan Thomas was shot and killed at 330 McDaniel St. SW. Mr. Thomas was a high-ranking member of the Inglewood Family Gangster Bloods (IFGB) criminal street gang. The suspects in this shooting were identified as members of rival criminal street gang Young Slime Life (YSL), and the suspects are currently standing trial in Fulton County Superior Court. This incident incited a gang war that resulted in dozens of shooting incidents and several murders over a seven-year period. YSL gang member Mr. Kenneth Copeland was blamed by IFGB gang members for the murder of Mr. Thomas, and Mr. Copeland was targeted in multiple retaliatory shootings. APD investigators eventually arrested Mr. Copeland for Possession of a Firearm by a Convicted Felon, and Mr. Copeland was sentenced to 5 years in federal prison.
- In late 2019, Mr. Copeland was released from federal custody. Subsequent investigations discovered that, upon his release, Mr. Copeland began hanging out with a longtime friend, Mr. Tenquarius Mender, as well as Mr. Mender's cousins, Mr. Tyreeze Alford and Mr. Wayne Alford. Mr. Mender and the Alford brothers were from, and still frequented, the Old Fourth Ward neighborhood. Mr. Mender and the Alford brothers are associated with the Rollin' 60's Neighborhood Crips (NHC) set that claims this area as their territory. This NHC set co-existed in the area with Mr. Thomas's IFGB set, which occupied the lower Old Fourth Ward area around Auburn Avenue and Edgewood Avenue.
- In May 2020, IFGB members in the Old Fourth Ward area saw Mr. Mender and the Alford brothers hanging around Mr. Copeland. An argument ensued because the IFGB members considered Mr. Copeland to be their enemy. This argument reportedly led to Mr. Wayne Alford slapping an IFGB member in public in the Old Fourth Ward neighborhood in May 2020.
- On May 25, 2020, four IFGB members conducted a drive-by shooting near Pine St. NE and Latta St. NE, targeting Wayne Alford. APD officers were nearby and responded immediately, locating the suspect vehicle. The suspects fled a short distance in the stolen vehicle before abandoning it and running on foot. One of the suspects exited the vehicle with an AK-47 rifle and was subsequently shot and injured by an APD officer. All four suspects were eventually arrested and convicted in Fulton County Superior Court for their role in this shooting, including charges of Participation in Criminal Gang Activity.
- On June 28, 2020, Mr. Lacarrus Fears was shot and killed at 834 Smith St. SW. Fears was associated with the Duct Tape (DTE) street gang, and the incident location is a longtime DTE stronghold. The investigation remains open; however, detectives believe that the suspects attempted to rob Mr. Fears, and Mr. Fears was shot and killed after fighting back. Detectives also discovered that Mr. Mender and Mr. Wayne Alford were friends with Mr. Fears, and Mr. Fears had been with them on Smith St. the day prior to the murder. Mr. Mender arrived on scene shortly after the murder and gave conflicting stories as to how he heard about the homicide and responded to the crime scene.
- On June 30, 2020, the subject incident occurred, and Mr. Marcus Sims was shot and killed at 639 Parkway Dr. NE. Keiontay Davis, Demario Newton, Kenneth Long, and Ricky Phillips were each also shot and injured. The following day, July 1, 2020, APD detectives interviewed Mr. Mender, who told them that he was the intended target of this shooting. Mr. Mender told APD detectives that he was being blamed for the murder of Fears, and that this incident was retaliation for the murder of Mr. Fears. Messrs. Sims,

Long, Phillips, Newton, and Davis were all known to APD investigators to also be associated with the Rollin' 60's NHC criminal street gang.

- On July 3, 2020, two IFGB gang members were shot and injured at GA Hwy 166 at Campbellton Rd. SW. The two victims were leaving Greenbriar Mall in a red Jaguar coupe when they were targeted in a retaliatory shooting. APD investigators identified Mr. Wayne Alford and Mr. Mender as the shooters. They were driving a blue BMW X6 SUV owned by Tyreese Alford, and this vehicle was identified as the suspect vehicle. While trying to escape, the victims flipped the Jaguar and were entrapped. As they tried to exit the vehicle, one of the suspects approached on foot, stood over one of the victims, and shot him in the legs before fleeing. As Mr. Alford and Mr. Mender fled the scene, an innocent third party (unaware of the shooting that had just occurred), honked her horn at them. One of the suspects then opened fire on her vehicle as well. Mr. Alford and Mr. Mender were both arrested and charged in this incident.

While some of these investigations remain open, others have been adjudicated in criminal court. Based upon these and other related investigations, the best evidence available to law enforcement indicates that these incidents are interconnected. The victims, suspects, types of crimes, locations, and information from the involved parties and the public lend credence to information received in the investigation of Mr. Sims's death. Taken together, it appears likely that this was a targeted homicide.

3. All information gathered from involved parties in this case indicates that this was likely a targeted shooting.

In my training and experience, information from the public, associates, and other involved parties can be instrumental to identifying suspects in criminal cases where witnesses and physical evidence are absent or inconclusive. During this investigation, the Atlanta Police Department Homicide Unit and Gang Unit received information from several different sources, some anonymous or confidential and some identified, concerning possible suspects and motives for this homicide.

Having reviewed and analyzed all tips and information received in this case, I have identified two consistent elements. First, all information received in the case indicated that Messrs. Sims, Newton, Davis, Long and Phillips were shot by one of several rivals or enemies. The suspected rival gang members are known to law enforcement and are plausibly connected to this incident. Second, all information alleges that this shooting was conducted for a specific reason. Some of this information was communicated by the shooting victims' friends or associates. Mr. Mender, who was their friend and fellow gang member, himself told police that he was the intended target of this shooting. Mr. Mender further stated that he was targeted because he was accused of killing Mr. Fears a few days prior to the subject incident.

After the shooting, Mr. Sims's friends and gang associates attempted to discover who was responsible for his murder and the other parties' shooting, including Mr. Davis. Their efforts were not in support of the police investigation, however; they sought to retaliate violently against those responsible. In fact, Mr. Mender and Mr. Wayne Alford did conduct at least one

retaliatory shooting against rival gang members on July 3, 2020. This supports investigators' belief that the subject incident was related to an ongoing, violent gang war.

None of the information received in this case suggested that the victims were innocent bystanders struck unintentionally, misidentified by a shooter, or offered any other possible reason for the shooting. Unfortunately, no one has yet been arrested for this shooting. However, when the information gathered from other involved and related parties is taken together and analyzed, it appears likely that this was a targeted shooting.

4. All of the shooting victims in this incident are associated with a criminal street gang and participated in criminal gang activity, which increases the likelihood that this was a targeted shooting.

Review and analysis of available resources indicates that Messrs. Sims, Newton, Long, Phillips, and Davis were associated with the criminal street gang Rollin' 60s Neighborhood Crips (NHC), as well as sub-factions or hybrid gangs associated with the NHCs. Evidence of this association is found throughout their social media posts and interactions with others through social media. Evidence of this association is also found in prior criminal incidents; I have also been personally involved with investigations involving the shooting victims in this case and am therefore familiar with some of these prior criminal incidents.

The criminal street gang known as the Rollin' 60's Neighborhood Crips has been investigated by multiple law enforcement agencies, including the Atlanta Police Department and the Georgia Department of Corrections, for over a decade. The Rollin' 60's Neighborhood Crips are a traditional street gang that was formed in Los Angeles, California, but now has a significant presence in Atlanta and across the state of Georgia. I have personally conducted or assisted with dozens of investigations involving members of this gang suspected of murders; shootings; robberies; auto thefts and other property crimes; fraud; the possession, sale, and distribution of narcotics, and other crimes.

The Rollin' 60's Neighborhood Crips are associated with several hybrid criminal street gangs in Atlanta, including Da Set Money Gang (DSMG), Young Crew (YC), Four Pockets Full (4PF), Glocc Blocc (G6), and Money Seeking Association (MSA). These Crip sets claim turf or territory in the Old Fourth Ward neighborhood, including the area around Boulevard NE and Parkway Dr. NE from North Avenue NE to Freedom Parkway NE; they also claim the Thomasville community around the Forest Cove Apartments, also commonly referred to as the Four Seasons Apartments, in the area of McDonough Boulevard SE and New Town Cir. SE; and in the Oakland City neighborhood. While members of these sets of the Rollin' 60's Neighborhood Crips commit a wide variety of crimes, the most common crime is the possession, sale, and distribution of narcotics including marijuana, cocaine, and prescription narcotics. They attempt to control territory in their neighborhoods for the purpose of conducting narcotics sales, but sometimes engage in narcotics transactions in other places as well.

Mr. Long has been arrested numerous times in the vicinity of the subject location over the past 17 years. Over that period, Mr. Long was arrested approximately 15 times for crimes involving the possession, sale, and distribution of narcotics in the area around the subject

incident. Some of those arrests were in the company of other identified gang members, and all of these incidents were within the area claimed as the gang's territory. He has numerous other arrests in the same area, many with other identified gang members, for crimes including disorderly conduct and gambling.

Mr. Long was issued a Criminal Trespass warning on June 30, 2013, for being on Bedford Pines property at 633 Parkway Dr. NE. He was later arrested for Criminal Trespass at 633 Parkway Dr. NE on January 24, 2020, several months prior to the subject incident. In spite of repeated arrests by Atlanta Police officers, both on-duty and working security for Bedford Pines, Mr. Long returns to the area to commit crimes, even to the present time. On April 24, 2024, Mr. Long was arrested at 509 Boulevard NE for outstanding Fulton County arrest warrants. Officers observed Mr. Long appear to conduct a hand-to-hand drug transaction at the location; they recovered two prescription narcotics pills from the suspected buyer, as well as a baggie of marijuana. The suspected buyer claimed ownership of the prescription narcotics, and Mr. Long claimed ownership of the marijuana. Mr. Long was arrested for a Fulton County arrest warrants for Violation of the Racketeer Influenced Corrupt Organizations Act (RICO), three counts of Participation in Criminal Street Gang Activity, and Conspiracy to Defraud the State. That case is pending in Fulton County Superior Court.

Mr. Newton has been arrested numerous times in the vicinity of the subject location over the past 20 years. Over that period, Mr. Newton was arrested approximately 12 times for crimes involving the possession, sale, and distribution of narcotics. Mr. Newton has been regularly witnessed by law enforcement associating with other identified gang members in the subject area, and at least five of those arrests were in the area around the subject incident. On several other occasions, officers responded to reports that Mr. Newton and other suspects were selling narcotics in the area, but no arrest was ultimately made.

Mr. Newton had been previously issued Criminal Trespass warnings from the subject property. On January 8, 2016, Mr. Newton was arrested at 633 Parkway Dr. NE for Criminal Trespass, Obstruction, Possession of a Firearm during the Commission of a Felony, Theft by Receiving – Stolen Firearm, Possession of Marijuana with Intent to Distribute, and Possession of a Firearm by a Convicted Felon. Atlanta Police officers were conducting a “park and walk” on Parkway Dr. NE; this is a common police tactic deployed for crime prevention and community policing. The officers reported that, upon seeing them approach, Mr. Newton immediately fled into 633 Parkway Dr. NE and locked the door behind him. The officers pursued Mr. Newton, eventually locating him on a second-floor stairwell. They saw Mr. Newton throw a handgun, later determined to be stolen, onto the roof of the building. Mr. Newton was found to be in possession of marijuana.

Atlanta Police officers again contacted Mr. Newton at 633 Parkway Dr. NE on April 18, 2020. The officers had observed Mr. Newton and other identified gang members loitering at the location over the course of several days. The officers were aware of frequent drug sales in the area and suspected Mr. Newton may be involved in such activities. Field interviews are another common police tactic leveraged for crime prevention and community policing purposes, and the officers conducted a field interview of Mr. Newton and three other subjects. This contact occurred approximately 6 weeks before the subject incident.

Mr. Sims was arrested several times in the company of other identified gang members for crimes consistent with the gang's activities. One of these arrests was with Mr. Tyreeze Alford and Mr. Keiontay Davis, during a traffic stop where officers observed a number of firearms inside their vehicle. One of those firearms was found to have been reported stolen; Mr. Sims admitted possession of the stolen firearm and was arrested. Mr. Davis admitted to possession of marijuana and was also arrested. Mr. Sims was also arrested several times in the company of other identified gang members within the gang's claimed territory for crimes such as gambling.

Mr. Sims was previously shot during a gang-related drive-by shooting at the subject location. On June 27, 2019, almost exactly a year prior to the subject incident, Mr. Sims was shot in the chest at 633 Parkway Dr. NE. Six other persons were shot during this drive-by shooting, including three of Mr. Sims's gang associates. Although this investigation remains open, Atlanta Police investigators believe that this shooting is likely related to an ongoing series of gang-motivated retaliatory shootings.

Mr. Davis also has pending charges in Fulton County Superior Court for Murder, Felony Murder, Aggravated Assault, Possession of a Firearm during the Commission of a Felony and Participation in Criminal Street Gang Activity. Mr. Davis is accused of participation in a gang-motivated homicide on September 27, 2022.

Mr. Phillips has been arrested several times in the company of other identified gang members for crimes consistent with the gang's activities. Over the past approximately 10 years, Mr. Phillips has been arrested at least seven times for crimes involving the possession, sale, and distribution of narcotics, often in the company of other identified gang members. At least four of these arrests were in the area around the subject location. Mr. Phillips has at least two arrests related to illegal possession of a firearm. In one case, on January 22, 2021, Mr. Phillips was arrested with a stolen firearm at 454 Rankin Pl. NE; officers determined that the gun was stolen from a vehicle less than a mile from where Mr. Phillips was arrested.

Before and after these incidents, Messrs. Sims, Davis, Newton, Long, and Phillips continued to associate with other gang members, for criminal and non-criminal purposes.

I have reviewed posts on an Instagram social media account that was operated by Mr. Sims under the username @1bigdawgmarc, as well as posts referencing Mr. Sims that are "tagged" with his account. Posted photos and comments depict Mr. Sims displaying common gang identifiers and associating with other identified gang members, specifically related to the Rollin' 60's Neighborhood Crips. Additionally, other gang members and associates recognized Mr. Sims's gang membership in both recorded jail calls and many public social media posts.

I have reviewed posts on Instagram social media accounts that were operated by Mr. Long under the usernames @kennycat60 and @kennycat___, as well as other posts depicting or referencing Mr. Long. Posted photos and comments depict Mr. Long displaying common gang identifiers and associating with other identified gang members, specifically related to the Rollin' 60's Neighborhood Crips. Mr. Long makes frequent posts referring to himself as a drug dealer and advertising narcotics for sale. Many of his posts before and after the subject incident show him in the area of the Bedford Pines apartments.

I have reviewed posts on a Facebook social media account that was operated by Mr. Newton under the username "Parkway Mario." Posted photos and comments depict Mr. Newton displaying common gang identifiers and associating with other identified gang members, specifically related to the Rollin' 60's Neighborhood Crips.

I have reviewed posts on an Instagram social media account that was operated by Mr. Phillips under the username @rickyrozay_1, as well as other posts depicting or referencing Mr. Phillips. Posted photos and comments depict Mr. Phillips displaying common gang identifiers and associating with other identified gang members, specifically related to the Rollin' 60's Neighborhood Crips.

In my experience, these activities put Messrs. Sims, Newton, Davis, Long, and Phillips at greater risk of being victimized by violence than if they had not participated in them. Members of the Rollin' 60's Neighborhood Crips are often violent, and many of them have been arrested and convicted of violent crimes including murder. These violent acts include intra-, inter-, and extra-gang violence. Criminal gangs as a practice prefer to use violence to resolve disputes, and they actively discourage and punish participation in the criminal justice system. The risk of victimization is increased by gang participation, in addition to the enhanced risk from participation in violent offenses and other criminal acts such as narcotics sales.

Gang membership and criminal activity in no way justify Mr. Sims's murder and the shootings of Messrs. Long, Newton, Davis, and Phillips, but unfortunately these activities increased the likelihood of such violence. Given their status as active members of a criminal street gang, those facts support my opinion and that of other law enforcement investigators that the victims were likely targeted.

This report may be supplemented as additional materials are produced for review.

Curriculum Vitae attached.

Statement of Compensation:

I charge a \$1,500 retainer and bill \$300/hr for case review and drafting expert reports, and \$500/hr. for testifying in court or by deposition. In this case I have submitted an invoice for 43.5 hours of work to date, for which payment is pending.

Prepared by:

	4/29/2024
Mark A. Belknap	Date